



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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SERIAL NUMBER 087532-046	FILING DATE 07/21/95	FIRST NAMED APPLICANT TURNER	ATTORNEY DOCKET NO. D FISHBAR-5
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CSM1/0623

EXAMINER MELIUS, T	
ART UNIT 3501	PAPER NUMBER 9

DATE MAILED: 06/23/97

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ The communication filed May 6, 1997 is ~~informal~~ non-responsive for the reason(s) checked below and should be corrected. APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.

- a. ☐ The amendment to claim(s) _____, filed _____, fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by _____, who is not of record. A ratification or a new power of attorney with a ratification; or a duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e. ☒ Other See Attached Letter

2. ☐ In accordance with applicant's request, THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED _____ IS EXTENDED TO RUN _____ MONTH(S).
No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (b)

3. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.
4. ☐ Other

Art Unit:

Response to Amendment

1. The communication filed on May 6, 1997 is non-responsive to the prior Office action because additional information is requested on the "non-obviousness" of the particular combination of Charpy Notch toughness and the Rockwell Hardness. How is this combination of values (such as a hardness of between 48 and 55 and a least 15 ft. lb. - for example in claim 3) 'unique' ?.

Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a TIME LIMIT of ONE MONTH from the date of this letter or within the time remaining in the response period of the last Office action, whichever is longer. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b), but the period for response set in the last office action may be extended up to a maximum of SIX MONTHS.

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Art Unit:

Conclusion

Any inquiry concerning this communication should be directed to Examiner Terry Melius at telephone number (703) 308-2168. (The Examiner can normally be contacted any time Monday - Thursday.)


T.L.M./tlm

6-23-1997
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**TERRY LEE MELIUS
PRIMARY EXAMINER
GROUP 350**